

**REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejection of all the claims now in the application (i.e. Claims 1, 3-6, 8-9, 11-15, 17-19, 21-23 and 25-30) is respectfully requested in view of the foregoing amendments and the following remarks.

The Examiner rejected claims 1, 3-9, 11-15, 17-19, 22-24 and 29 as being obvious over a combination of *Davidson* U.S. Patent No. 5,685,306, *Pratt et al.* U.S. Patent No. 4,849,223 and *Jacobson et al.* U.S. Patent No. 5,180,585. Claim 1 as amended requires a polished surface of a surgical implant or instrument to be coated with a layer of polymeric material being modified to have antibacterial effect. Applicant has reviewed the three references cited by the Examiner and does not see any reference to a polished surface coated with a polymer having an antibacterial effect such as by releasing silver ions. The *Davidson* reference in column 6, lines 37-53 teaches that wear surfaces can be surface hardened or coated with a wear resistant coating. Such coatings follow the surface profile of the mechanical component to which they are applied. There does not appear to be any teaching that the mechanical surfaces are polished as by rubbing or lapping as is utilizing in surgical implants and surgical instruments.

With regard to claim 22, in addition to requiring that the metal surface be polished, the polished device is coated with a layer incorporating silver ions such as a layer of hydroxyapatite, calcium phosphate, PLA, PLLA, ultra-high molecular weight polyethylene, polymethylmethacrylate, PEEK and tri-calcium phosphate. Again, none of the references teach applying such a coating to a polished metal surface.

With regard to claims 17, 18, 19 and 23, none of the prior art cited teaches applying an electrostatic charge to the metal device having a polished surface and anti-microbial coating. Applicant disagrees that the medical device as disclosed in *Davidson* would have any electrostatic charge on their metal surface, even assuming that the surface is metal, since such would disrupt their intended function of controlling heart rhythms by the timely application of electrical stimulation.

With regard to the rejection of claims 21, 25, 26 and 28 as being anticipated by *Pratt et al.*, applicant does not believe there is any teaching to utilize the silver compounds taught therein in bioresorbable polymers. In column 3, lines 50-67, the polymeric material is preferably hydrophobic such as rubber polyurethane, polyvinyl chloride and polyesters. Applicant does not believe that resorbable plastics such as polylactides, could be included in the

hydrophobic polymers taught.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

Raymond W. Augustin

Registration No.: 28,588

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant